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Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)		Application Number	09/851,593
		Filing Date	May 8, 2001
		First Named Inventor	Tian Shen
		Group Art Unit Number	2633
		Examiner Name	Not yet known
Total Number of Pages in This Submission	5*	Attorney Docket Number	20852-05135

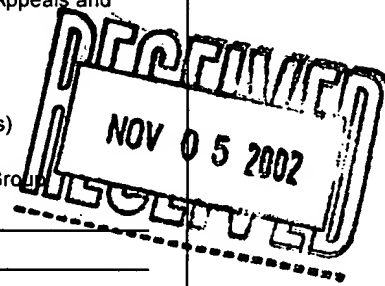
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ENCLOSURES (check all that apply)

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REMARKS: *Does not include cited reference pages.

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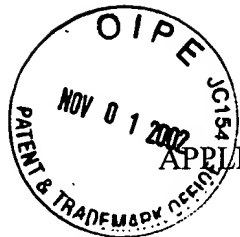
Signature:	<i>Eileen A. Lehmann</i>		
Attorney/Reg. No.:	Eileen A. Lehmann, Reg. No. 39,272	Dated:	10/29/02

CERTIFICATE OF MAILING

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Signature:	<i>Eileen A. Lehmann</i>		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(S): Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman; David B. Upham; David A. Pechner and Laurence J. Newell

APPLICATION NO.: 09/851,593

FILING DATE: May 8, 2001

TITLE: Variable Rate High-Speed Input And Output In Optical Communication Networks

EXAMINER: Not yet known

GROUP ART UNIT: 2633

ATTY. DKT. NO.: 20852-05135

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Dated: October 29, 2002

By: Eileen A. Lehmann
Eileen A. Lehmann, Reg. No.: 39,272

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449/PTO-8A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. [APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman;
David B. Upham; David A. Pechner and Laurence J.
Newell

Dated: October 29, 2002

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Complete if Known

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First Named Inventor	Tian Shen
Art Unit	2633
Examiner Name	Not Yet Known
Attorney Docket Number	20852-05135

Sheet	1	of	1
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U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.¹	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A	US- 5,278,824	01/11/1994	Kremer
	B	US- 5,488,500	01/30/1996	Glance
	C	US- 5,564,021	10/08/1996	Qiu et al.
	D	US- 5,612,805	03/18/1997	Fevrier et al.
	E	US- 5,701,186	*12/23/1997	Huber
	F	US- 6,201,788 B1	03/13/2001	Ishiwatari
	G	US- 6,407,843 B1	06/18/2002	Rowan et al.
	H	US- 6,452,945 B1	09/17/2002	Upham et al.

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

20852/05135/DOCS/1304954.1